

REMARKS

Currently, claims 16-28 and 32 remain pending in the present application, including independent claim 16. Claim 16 is directed to a dyed textile material containing a cellulosic material. In accordance with the present invention, the cellulosic material has been treated with a polyvinylamine and a complexing agent. The complexing agent serves to bond the polyvinylamine to the cellulosic material. Once bound to the cellulosic material, the polyvinylamine is available for receiving an acid dye.

In the Office Action, independent claim 16 continued to stand rejected under 35 U.S.C § 103 as being unpatentable over Schrell in view of Evani.

Schrell teaches adding polymeric amine compounds to a solution of cellulose from which viscose fibers are regenerated. As admitted in the Office Action, Schrell does not disclose, teach, or suggest employing the use of a complexing agent. Furthermore, Schrell does not teach bonding the polymeric amine compound to the fiber, as required by independent claim 16. Instead, Schrell teaches incorporating the polymeric amine compound into a fiber solution when said solution is spun. Thus, in Schrell, the polymeric amine compound becomes incorporated into the regenerated cellulose fibers by being added during the formation of the fibers. Additionally, as stated in column 1 beginning at line 40, Schrell teaches away from pretreating the surface of the cellulose fiber textiles before dyeing. Instead, Schrell teaches admixture of the polymeric amine compound to avoid any such pretreating steps.

In order to somehow compensate for the above noted deficiencies of Schrell, Schrell was cited in combination with Evani.

Evani is directed to a non-woven web and simply discloses the use of a pH sensitive binder that is intended to provide the web with adequate wet strength but also makes the web readily disintegrate in an environment at a higher pH. The binder is described as an interpolymer of at least one ethylenically unsaturated carboxylic acid and at least one ethylenically unsaturated water-insoluble monomer.

As opposed to the currently pending claims, however, Evani does not disclose bonding a polyvinylamine to a cellulosic material and, in fact, is not even related or relevant to applying acid dyes to cellulosic materials. Instead, as described above, Evani is directed to the construction of premoistened tissues that are dispersible when placed in a flushable facility. Applicants submit that it is purely impermissible hindsight to somehow

suggest that one skilled in the art would have been motivated to add the pH sensitive binder disclosed in Evani into the fiber spinning solution disclosed in Schrell. Further, claim 16 requires that the complexing agent serve to bond the polyvinylamine to the cellulosic material. Nowhere does the combination of Schrell and Evani teach or suggest this limitation. As such, it is believed that the claims patentably define over both references.


Applicants further respectfully submit that Evani is non-analogous prior art. Specifically, Evani is not directed to dyed textile materials, but is instead directed to premoistened tissues that are intended to be disposable in flushable facilities. Further, Evani is in no way directed to the problem solved by the present invention which is generally the ability to apply an acid dye to a cellulosic material. In contrast, nowhere does Evani even mention the use of acid dyes.

In the latest Office Action, claims 16-18 and 32 were again provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-45 of copending Application No. 10/023,489. Should a Terminal Disclaimer be required in order to overcome this provisional rejection, Applicants hereby agree to submit any such document.

In summary, it is believed that the claims as currently pending are patentably distinctive over the prior art of record and are in complete condition for allowance. Examiner Cole is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Respectfully submitted,

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